

City of Reading City Council
Regular Business Meeting
Monday, April 14, 2014

Council President Francis Acosta called the meeting to order.

The invocation was given by a deacon from St. Peter's Roman Catholic Church.

All present pledged to the flag.

ATTENDANCE

Council President Acosta
Councilor Daubert, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher
Managing Director C. Snyder
Mayor V. Spencer

Council President Acosta announced that Councilor Waltman is excused from the meeting due to an illness.

PROCLAMATIONS AND PRESENTATIONS

Council issued a Commendation recognizing Fair Housing Month, accepted by the Reading Human Relations Commission.

PUBLIC COMMENT

Council President Acosta stated that there were three (3) citizens registered to address Council on agenda matters and one (1) citizen registered to speak about non-agenda matters this evening. He reminded those registered about the public speaking rules. He inquired if any Councilor objected to suspending the public comment rule requiring non-agenda comment at the end of the meeting. As there was no objection, the rule requiring non-agenda comment at the end of the meeting was suspended.

Vince Rosado, of North 13th Street, read the Citizens Participation portion of the Charter aloud. He questioned how and why the RAWA Dissolution ordinance is listed for final passage tonight. He expressed the belief that Council usurps the mayor's executive powers.

He expressed the belief that Council is acting irresponsibly and outside its realm. He stated that Councilors are legislators not negotiators.

Ernie Schlegel, of Pear Street, expressed the belief that Council's desire to obtain a two (2) year deal from RAWA is just a ploy to get money. He recounted the statements made about the RFP process and the need to monetize the water asset by one of the Councilors. He expressed the belief that the process Council desires will be too costly which creates additional financial burdens. He suggested that Council consider what is the right thing to do. He stated that the RAWA board has complied with Council's requests. He again expressed the belief that the process Council desires is too costly. He noted the misinformation given by Council. He suggested that Council stop telling lies and start communicating with the Administration.

Shelia Perez, of Weiser Street, expressed concern for the due process guaranteed by the federal and state Constitutions and that the due processes in these documents safeguard citizens' rights. She said that the citizens are the stakeholders and need to be involved in the decision to dissolve RAWA in addition to the use of the money yielded from any proposal with the water lease. She described the breakdowns in the process RAWA uses and the need for RAWA to be more attentive to the voice of the public.

Jacque Powers, of Centre Avenue, expressed the belief that the trash and recycling charges are too high. She stated that the residents can control the amount of the water they use to attempt to lower their bill; however, the additional service charges along with the trash and recycling charges make it impossible to attempt to control the amount due.

APPROVAL OF THE AGENDA & MINUTES

Council President Acosta called Council's attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading and the minutes from the March 24th Regular Meeting of Council and March 31st Special Meeting of Council. He noted the need to add a resolution notifying RAWA of their pending dissolution.

Councilor Marmarou moved, seconded by Councilor Sterner, to approve the minutes from the March 24th Regular Meeting of Council, the March 31st Special Meeting and the agenda as amended, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda

A. Resolution 48-2014 – authorizing an amendment to the 2013 CDBG Action Plan to cancel the Centre Park Historic District Signage Installation activity. **(CD)**

B. Resolution 49-2014 - authorizing an amendment to the 2014 CDBG Action Plan to move

\$100,000 in CDBG funds from the CDBG Emergency Demolition Slum and Blight Removal Activity to create the CDBG Emergency Demolition Urgent Needs Activity. **(CD)**

C. Resolution 50-2014 – authorizing entering a contract with Republic First National Corporation for the lease/purchase of the refurbishment of two city owned ambulances in the EMS division and to authorize the Fire Department designee to make payments on behalf of the City of Reading. **(Fire)**

D. Resolution 51-2014 – approving the Contract with Kansas State Bank for the funding of the IT Equipment and that Matthew Bembenick and Henry Tangredi can enter into such Contract. **(Purchasing)**

E. Award of Contract - for furnishing bituminous materials and asphalt cements for pick-up to South Reading Blacktop, Division of Reading Materials, 148 Angstadt Lane, Birdsboro, who is the low bidder at the unit prices submitted for an estimated total bid price of \$119,200.00 (estimate based on usage). **(Purchasing)**

F. Award of Contract - to Urban Research & Development Corporation (URDC), Bethlehem, for a total price of \$75,800. **(Purchasing)**

ADMINISTRATIVE REPORT

The mayor read the report distributed to Council at the meeting, in summary:

- Explanation of the two (2) trash and recycling plan options and the “catch up” billing
- Start of the 2015 CDBG application period
- Status report on the Administration’s position on the water lease discussions and why the Administration withdrew from discussions with Council
- A reminder to Council about the need to obtain permission from the mayor or Managing Director before speaking to Department Directors.

AUDITOR’S REPORT

City Auditor Cituk read the report distributed to Council at the meeting, in summary:

- Start of the 2013 external audit process
- 2013 DCED Financial Report showing a \$18.9M fund balance
- Completion and submission of the State Pension Report to the Auditor General

REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS

None.

ORDINANCES FOR FINAL PASSAGE

A. Bill 24-2014 – Amending the City Code, Chapter 308 Housing, Part B Disruptive Conduct (DCR) Ordinance **(Law/Police/Council Staff)**; *Advertised April 3rd*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to adopt Bill No.

24-2014-2014.

Bill No. 24-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Acosta, President - 6

Nays: None - 0

B. Bill 25-2014 – Amending the City Code, Chapter 212 decreasing the DCR Appeal fee to \$50 from \$275. **(Law/Police/Council Staff) Advertised April 3rd**

Councilor Marmarou moved, seconded by Councilor Daubert, to adopt Bill No. 25-2014.

Bill No. 25-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner - 5

Nays: Acosta, President - 1

C. Bill 26-2014 – approving a long-term lease of certain premises within City Hall to the County of Berks in support of regional emergency communications & operations **(Man Dir)**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to table Bill No. 26-2014.

Bill No. 26-2014 was tabled by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Acosta, President - 6

Nays: None - 0

D. Bill 27-2014 – repealing and replacing Bill No. 16-2014 by directing the Berks County Board of Elections to place the following referendum question to voters of the City of Reading on the 2014 General Election ballot to amend the City of Reading Home Rule Charter by deleting the requirement that the City Auditor be a CPA with a minimum of five (5) years experience in business administration, accounting, management, or municipal government. **(Law)**

Councilor Reed moved, seconded by Councilor Marmarou, to enact Bill No. 27-2014.

Bill No. 27-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Acosta, President - 6

Nays: None - 0

E. Bill 28-2014 – repealing and replacing Bill No. 14-2014 by directing the Berks County Board of Elections to place the following referendum question to voters of the City of Reading on the 2014 General Election ballot to amend the City of Reading Home Rule Charter to require appointment of a charter review commission at least every five (5) years but no sooner than every three (3) years and prohibit city officials or employees from serving on the commission. **(Law)**

Councilor Reed moved, seconded by Councilor Daubert, to enact Bill No. 28-2014.

Bill No. 28-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Acosta, President - 6

Nays: None - 0

F. Bill 29-2014 –directing the Berks County Board of Elections to place the following referendum question to voters of the City of Reading on the 2014 General Election ballot to amend Home Rule Charter Sections 215, 601, 602 and 908 (c) – Administrative Code, Procedures, Ordinances and [Budget] Amendment after Adoption which limits Council’s power to make legislative changes to the Administrative Code and provides the Mayor with the sole power to issue administrative regulation and procedure. **(Law) Sponsored by Marmarou, Daubert, Sterner, Reed and Goodman-Hinnershitz**

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 29-2014.

Bill No. 29-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner - 5

Nays: Acosta, President - 1

G. Bill 30-2014 – repealing and replacing Bill No. 17-2014 directing the Berks County Board of Elections to place the following referendum question to voters of the City of Reading on the 2014 General Election ballot to amend Home Rule Charter to allow one person to serve on two (2) boards and commissions if there is no conflict **(Law)**

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 30-2014.

Bill No. 30-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Acosta, President -

6

Nays: None- 0

H. Bill 31-2014 – repealing and replacing Bill No. 15-2014 directing the Berks County Board of Elections to place the following referendum question to voters of the City of Reading on the 2014 General Election ballot to amend Home Rule Charter to eliminate the Managing Directors power to “Direct and supervise the administration of all departments, offices and agencies of the City, except as provided by this Charter or by law” and provide that power solely to the Mayor. **(Law)**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 31-2014.

Bill No. 31-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner - 5

Nays: Acosta, President - 1

I. Bill 32-2014 – repealing and replacing Bill No. 12-2014 directing the Berks County Board of Elections to place the following referendum question to voters of the City of Reading on the 2014 General Election ballot to amend Home Rule Charter to require the Annual Position ordinance to be amended before the Administration can hire more personnel than the Position ordinance allows. **(Law)**

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 32-2014.

Bill No. 32-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Acosta, President - 6

Nays: None- 0

J. Bill 33-2014 - amending City Code Chapter 346 Litter and Advertising Material, section 103 Prohibiting the Placement of Advertising Material on Automobiles **(Waltman/Council Staff)**
Reviewed by the Standards of Living Committee 3-17-14; Advertisement scheduled for April 3rd

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 33-2014.

Councilor Goodman-Hinnershitz stated that attaching advertisements to automobiles can cause damage to the vehicle and is an ineffective method of advertising.

Councilor Reed thanked Councilor Waltman for moving this legislation forward as it will be an aid in calming litter.

Bill No. 33-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Acosta, President - 6

Nays: None- 0

K. Bill 34-2014 – amending the Solid Waste and Recycling Fund 56 Budgets; Solid Waste budget will increase by \$90,372, Recycling budget will increase by \$24,775 for a combined 2014 budget of \$5,867,456 **(Man Dir) Reviewed by the Finance Committee 3-17-14**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 34-2014.

Bill No. 34-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Acosta, President - 6

Nays: None- 0

L. Bill 35-2014 – amending the Recreation Commission Agreement of Cooperation **(Law)**

Councilor Daubert moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 35-2014.

Bill No. 35-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Acosta, President - 6

Nays: None- 0

M. Resolution 52-2014 – approving the zoning change of 15 Prospect Street from R1 to CH with conditions **(Council Staff)**

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Resolution No. 52-2014.

Resolution No. 52-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Acosta, President - 6

Nays: None- 0

N. Bill 36-2014 – Amending Section 600-501 of the City of Reading Zoning Ordinance is so as to provide the rezoning of a certain tract of land recorded at Deed Book Volume 3171, Page 0782-0786, in the Berks County Recorder of Deeds office commonly known as 15 Prospect Avenue, from R2 low density residential to CH Commercial Highway **(Council Staff) Public Hearing 4-1-14, Hearing Advertised 3-17 and 3-24; Ordinance advertised 4-4 for 4-14 vote; Introduced at the March 10 regular meeting**

Councilor Reed moved, seconded by Councilor Daubert, to enact Bill No. 36-2014.

Bill No. 36-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Acosta, President -
6

Nays: None- 0

O. Bill 37-2014 – dissolving the Reading Area Water Authority, approving the Certificate of Termination of the Authority, and authorizing all actions necessary to effectuate the same. **(Law/Council Staff) Introduced at the March 31 special meeting**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Daubert, to table Bill No. 37-2014.

Bill No. 37-2014 was tabled by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Acosta, President -
6

Nays: None- 0

P. Bill 38-2014 – amending the Administrative Code which authorizes all departments, offices, and agencies to undertake the RFP process **(Law/Council Staff) Introduced at the March 31 special meeting**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 38-2014.

Bill No. 38-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Acosta, President -
6

Nays: None- 0

Q. Bill No. 10-2014 – authorizing the temporary easement on city-owned land in

Perry/Richmond Townships to the Commonwealth of Pennsylvania **(Law)** *Introduced at the Jan 13 regular meeting; Tabled at the Jan 27 and the Feb 10th regular meeting*

R. Bill No. 11-2014 – authorizing the sale of city-owned land in Perry/Richmond Townships to the Commonwealth of Pennsylvania **(Law)** *Introduced at the Jan 13 regular meeting; Tabled at the Jan 27 and the Feb 10th regular meeting*

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill Nos. 10 and 11-2014.

Bill Nos. 10 and 11-2014 were enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Acosta, President - 6

Nays: None- 0

INTRODUCTION OF NEW ORDINANCES

The following ordinances were read into the record:

A. Ordinance - amending the City Code Chapter 308, Housing, of the Codified Ordinances to eliminate the tenant listing requirement and provide for injunctive relief **(Man Dir)**

B. Ordinance - amending Chapter 212, Fee Schedule, Section 120 Parks and Recreation, of the City of Reading Code to add a rental fee for Keffer Park Field House **(Rec Commission)**

C. Ordinance – creating the Reading Regional Water Authority **(City Council)**

D. Ordinance – authorizing a MOU between the City and the Reading Rec Commission **(Law)**

E. Ordinance – amending the Home Rule Per Capita Tax Ordinance penalty and interest sections and setting the due date as July 1st annually **(Law)**

RESOLUTIONS

A. Resolution 53-2014 – appointing Carissa Johnson to the Diversity Board **(Nom & Appts)**

B. Resolution 54-2014– reappointing Alan Shuman to the DID Authority **(Nom & Appts)**

Councilor Marmarou moved, seconded by Councilor Daubert, to adopt Resolutions 53-54-2014.

Councilor Marmarou made remarks concerning the skills and abilities of those being appointed and reappointed tonight.

Resolution Nos. 53-54-2014 were adopted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Acosta, President - 6

Nays: None - 0

C. Resolution 55-2014- notifying RAWA about the dissolution of the Reading Area Water Authority **(Council Staff)**

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 55-2014.

Councilor Marmarou suggested a “cooling off” period followed by Council and the administration working together with RAWA, as all desire the best interest of the City. He also suggested using a mediator.

Councilor Daubert stated that he will not support this resolution as dissolving RAWA and recreating a new board will not solve the existing problems and will create substantial costs.

Councilor Goodman-Hinnershitz explained that this resolution speaks to intent not law. She noted that Council and the administration spent over two months meeting to follow a process that the Mayor created. She noted Council’s surprise when the mayor withdrew himself and the administrative staff from the process. She explained that good government should be interactive between the parties. She suggested coming back together to follow an open and public process that involves all parties, rather than representatives.

Councilor Sterner stated that it is unfortunate that the Mayor pulled out when Council and the administration were working closely in a process that was working well and moving forward.

Mayor Spencer stated that he pulled out due to Council’s unwillingness to talk to RAWA. He stated that outside Council and PFM encouraged Council to talk to them prior to the RFP process. As he cannot support this he withdrew himself and the administration. He stated that he explained this in a conference call with the President and Vice President of Council on March 28th. He also noted the need for a long and short term valuation. He stated that an

RFP for the long term valuation was sent out last week.

Councilor Reed noted the importance of following a process that is open to everyone, including RAWA. She also noted that using an open process does not mean selling or privatizing the water system. She stated that various people intentionally mischaracterize the intent of using an open process. She noted the need to find the best financial proposal for the City.

Councilor Sterner stated that Council made several requests for a short term deal from RAWA which would allow the City to follow the proper process. He read excerpts from a recent article in the newspaper, noting RAWA's willingness to consider offering a short term deal. He questioned why they are now willing when they rejected Council's past requests.

Council President Acosta stated that the administration and the mayor have been gathering information on the lease deal for nearly a year, which was just uncovered a few weeks ago. He questioned why the administration did not disclose the information sooner. He also noted that Council agreed to work through a process described by the mayor, but two months into the process the mayor withdrew. He noted the gap between the first meeting held in October 2013 and the next meeting held in early February. While the meetings in 2014 appeared to be going well, all of a sudden the mayor pulled out. He questioned if the mayor's advisors were unhappy because they were not getting their way.

Council President Acosta also questioned the release of the various water deals in the Reading Eagle, when these offers are clearly not going to fix the City's long term problems. He stated that last week PFM explained that the deal will not fix the problem; however, the mayor refused to attend this meeting. He stated that PFM should not have released that information to the mayor before releasing it to Council.

Council President Acosta also recalled being with the mayor the majority of the afternoon on April 8th, the day the mayor claims to have given him a copy of a memo that was released to RAWA and the public before it was given to him. He noted that he received the memo late in the afternoon, after he attended the RAWA meeting where the board announced their decision to work with the mayor rather than Council.

Council President Acosta suggested that the mayor's new process that includes members of the administration along with three members of Council selected by the mayor was designed to exclude the public, as meetings can be closed to the public as long as a majority of Council is not present. He stated that the mayor's new process includes Council as observers only. He stated that this flies in the face of the people the mayor got to complain about Council's executive sessions to discuss this weighty issue.

Council President Acosta announced Council's desire to have an open process to reach a conclusion that makes sense for the City. He stated that the broken process between the mayor and Council breaks the City on the whole. He stated that Council will not be a rubber stamp for the Mayor. All seven Councilor are elected by the Reading electorate, just as the mayor is. He suggested that this public battle will damage the water lease process along with Reading's ability to attract development or help from the State legislators.

Council President also questioned the mayor's announcement that he will be communicating with Council through memorandum as losing face to face contact does not encourage trust or build relationships.

Mayor Spencer stated that he explained his withdrawal from the process with Council during a phone call with the President and Vice President of Council on March 28th. He stated that he believes Council legislates and the administration negotiates. He explained that using memos will convey his position about the negotiations with RAWA.

Resolution No. 55-2014 was adopted by the following vote:

Yeas: Goodman-Hinnershitz, Reed, Sterner, Acosta, President - 4

Nays: Daubert, Marmarou -2

COUNCIL COMMENT

Councilor Marmarou announced the upcoming Great American Clean-up scheduled for April 26th.

Councilor Goodman-Hinnershitz stated that tonight she is a proud member of Council as this Council is committed to an open process to handle the water issue. She also noted the recent article in the Washington Post about Reading as a destination.

Councilor Reed noted the ribbon cutting at Baer park this Saturday.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk